

Attachment 1 – Planning Proposal

Attachment 2 – Lot Size Analysis Maps

610 Seaham Rd


LOTS LESS THAN 2HA


 Site Boundary

 Cadastre

 Roads

Existing Lots (sqm)

 0 - 8,000

 8,000-20,000

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Job No: J000000

Date: 10/05/2021

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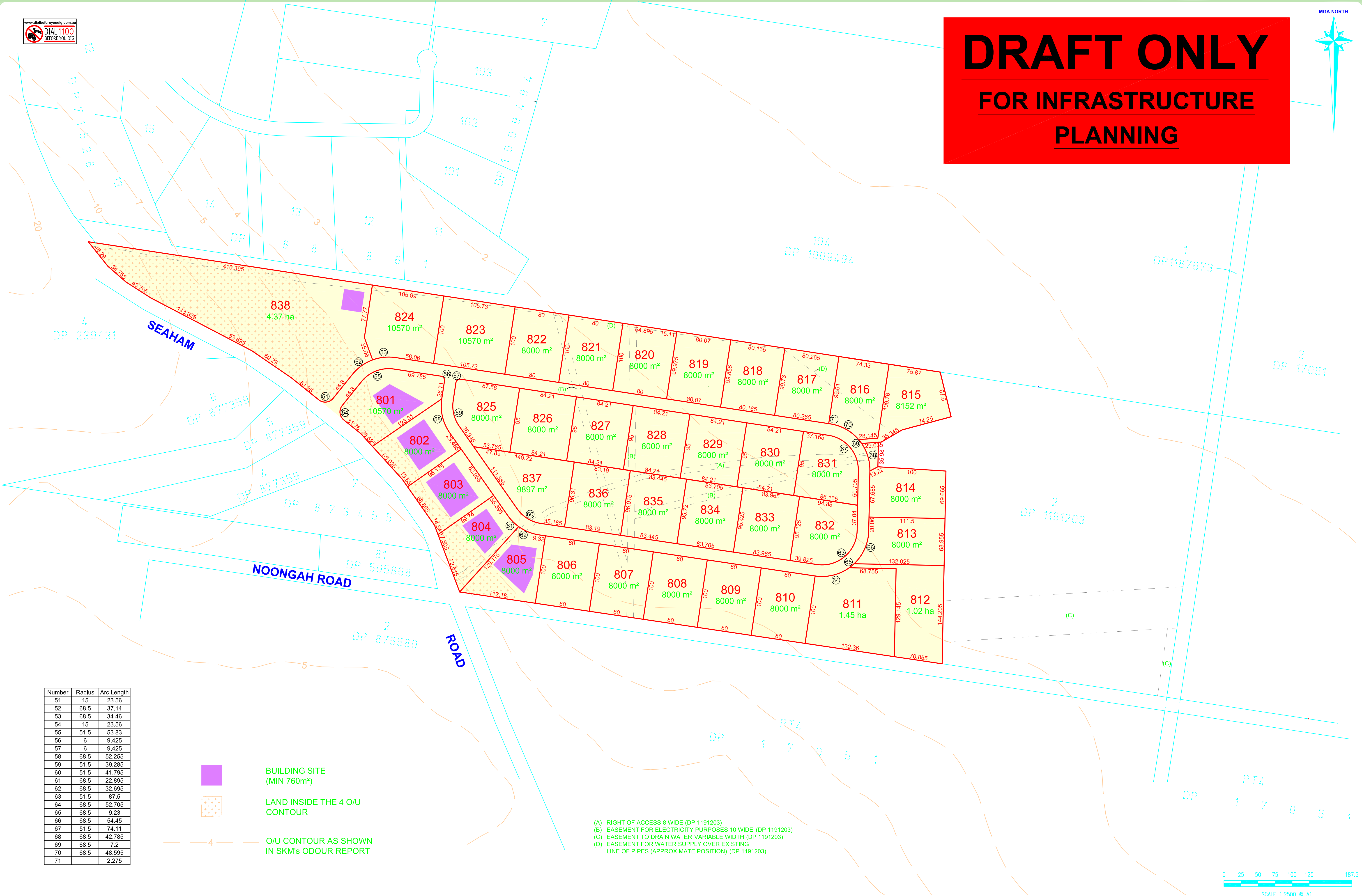
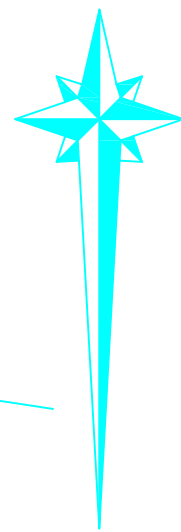
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Attachment 3 –Proposed Subdivision Plan and Flooding Map



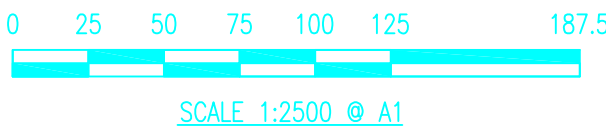
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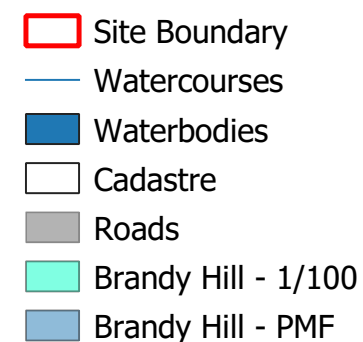


Number	Radius	Arc Length
51	15	23.56
52	68.5	37.14
53	68.5	34.46
54	15	23.56
55	51.5	53.83
56	6	9.425
57	6	9.425
58	68.5	52.255
59	51.5	39.285
60	51.5	41.795
61	68.5	22.895
62	68.5	32.695
63	51.5	87.5
64	68.5	52.705
65	68.5	9.23
66	68.5	54.45
67	51.5	74.11
68	68.5	42.785
69	68.5	7.2
70	68.5	48.595
71	68.5	2.275

- BUILDING SITE (MIN 760m²)
- LAND INSIDE THE 4 O/U CONTOUR
- O/U CONTOUR AS SHOWN IN SKM's ODOUR REPORT

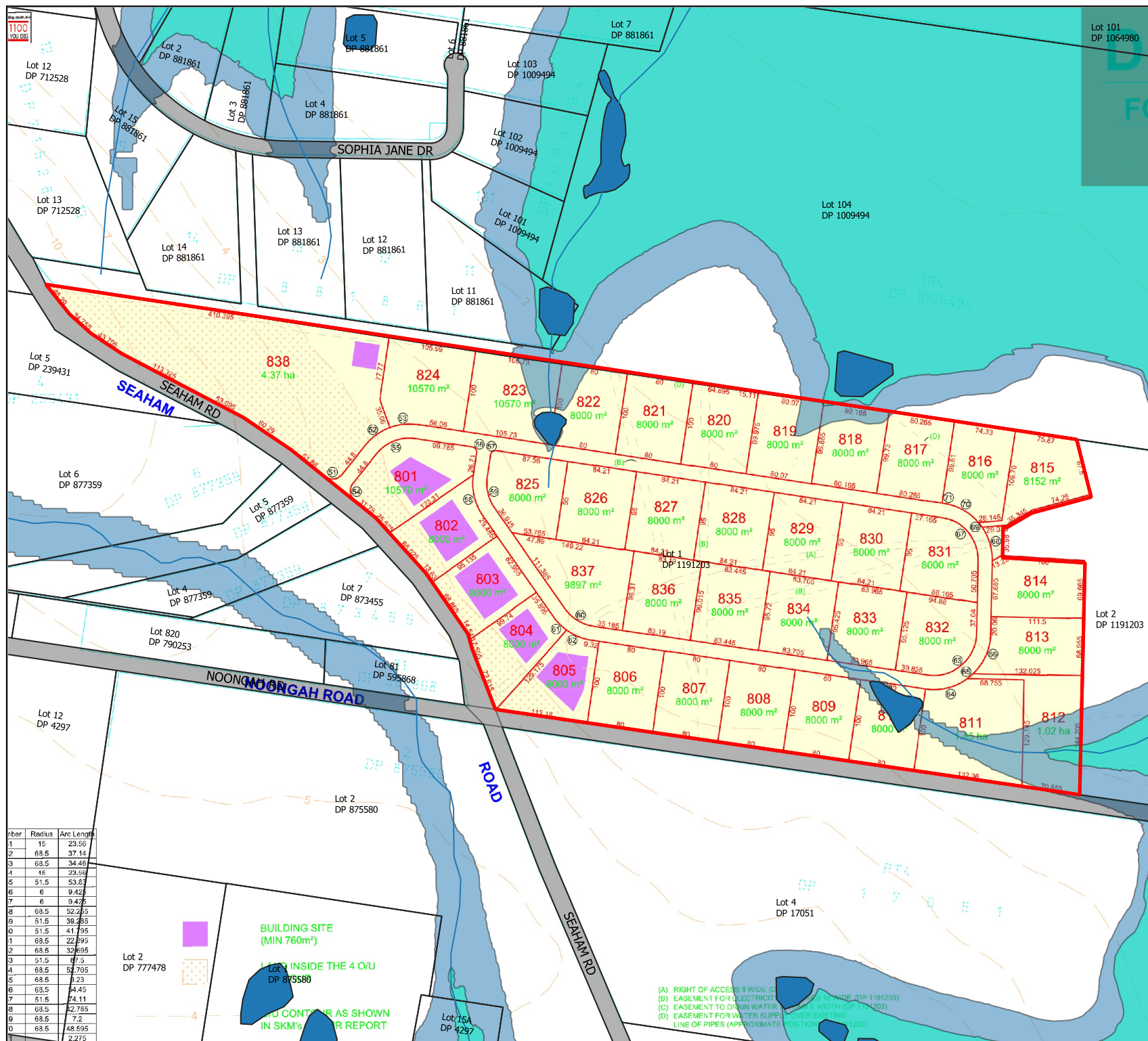
- (A) RIGHT OF ACCESS 8 WIDE (DP 1191203)
- (B) EASEMENT FOR ELECTRICITY PURPOSES 10 WIDE (DP 1191203)
- (C) EASEMENT TO DRAIN WATER VARIABLE WIDTH (DP 1191203)
- (D) EASEMENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES (APPROXIMATE POSITION) (DP 1191203)





0 100 200 m

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Attachment 4 – Character Analysis



PORT STEPHENS
COUNCIL

610 Seaham Road and Surrounds Character Analysis



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Introduction

This report details the methodology and findings of a character analysis conducted to inform an amendment to the Port Stephens Local Environment Plan (LEP) 2013. The LEP amendment proposes to rezone land at 610 Seaham Road, Nelsons Plains from RU1 Primary Production (RU1) to R5 Large Lot Residential (R5) and to reduce the minimum lot size provisions for the subject land from 40 hectares to 8,000sqm. The intended outcome of the planning proposal is to enable rural residential subdivision and future housing, subject to development consent. An estimated 38 dwellings may be possible (subject to development consent) should the planning proposal proceed.

The character analysis undertaken for the locality considers the character and rural amenity of streetscapes and assesses the impact of existing lot sizes at 4000sqm, 8000sqm and 20,000sqm. The analysis shows that, from the street, lots at 4,000sqm have a different visual 'feel' and character than lots at 8,000sqm. However lots between 8,000sqm and 20,000sqm have a very similar 'rural' character due to lot width and dwelling placement.

The site

The subject land has a total area of 38.9 hectares and has direct frontage and access to Seaham Road, the main arterial road connecting Seaham and Raymond Terrace. The subject land is approximately 8 minutes' drive north-west of Raymond Terrace and 20 minutes' drive north-east of Maitland.

Surrounding land uses include a mix of rural residential allotments and larger agricultural allotments used for grazing and poultry farms west and south of the land. The subject land was historically used for cattle grazing, however it is currently vacant

Methodology

The character analysis considered the amenity and 'neighbourhood character' of the site and its vicinity. The study area includes Nelsons Plains, Brandy Hill and Seaham. A literature review was conducted to ascertain what contributes to a 'rural character'. The results of the literature review were used to inform in-depth qualitative analysis of the characteristics of the study area at different lot sizes.

The literature referred to the width of lots being particularly important element of rural character. An audit of a sample of lots in the study area was therefore carried out to compare the width and depth of lots at 4,000sqm, 8,000sqm and 20,000sqm.

The analysis took into account the controls in the Port Stephens Development Control Plan 2014 that apply currently to the RU1 zoning of the site, as well as the controls that would apply to land zoned R5 (the proposed zone).

Findings

The literature review found that local character can be influenced by a range of factors, and that rural character is often defined by a combination of lot size, lot width and depth, where dwellings and structures are situated on a lot, vegetation (landscaping), topography and fencing.

The literature identified that lot width was of particular importance to rural character. The results of the audit of a sample of lots in the study area that compare the width and depth of lots at 4,000sqm, 8,000sqm and 20,000sqm are presented in **Table 1** below. The results show that as the area of a lot increases, the depth of the lot is predominately what is affected and increased, as opposed to the width.

Table 1

Address	Approx Lot Size (sqm)	Approx Width (m)	Approx Depth (m)
2 Rabar Close, SEAHAM	3950	63	57
20 Alexander Drive, SEAHAM	4000	41	100
3 Rabar Close, SEAHAM	4050	59	67
4 Rabar Close, SEAHAM	4060	69	55
6 Rabar Close, SEAHAM	4080	69	59
8 Rabar Close, SEAHAM	4600	66	67
12 North Esk Drive, SEAHAM	7010	65	108
14 North Esk Drive, SEAHAM	7170	82	100
30 Brandy Hill Drive, BRANDY HILL	7950	63	130
7 North Esk Drive, SEAHAM	8000	71	108
14 Alexander Drive, SEAHAM	8050	64	132
523 Seaham Road, NELSONS PLAINS	8150	65	150
1 Ralstons Road, NELSONS PLAINS	8290	64	155
719 Seaham Road, NELSONS PLAINS	8390	71	120
24 Brandy Hill Drive, BRANDY HILL	8810	65	140
92 Brandy Hill Drive, BRANDY HILL	19160	86	215
69 Brandy Hill Drive, BRANDY HILL	19210	73	270
695 Seaham Road, NELSONS PLAINS	19370	70	270
76 Brandy Hill Drive, BRANDY HILL	19740	80	239
79 Brandy Hill Drive, BRANDY HILL	19790	68	289
74 Brandy Hill Drive, BRANDY HILL	20120	80	240
794 Hinton Road, OSTERLEY	20750	89	227
6 Fisher Close, SEAHAM	18010	68	264
4 Fisher Close, SEAHAM	18060	69	262

*Lot width is taken from the midpoint.

The analysis shows that from the street, lots at 4,000sqm will have a different visual 'feel' than those at 8,000sqm, because the lot width will be noticeable different, but

lots between 8,000sqm and 20,000sqm have a very similar amenity impacts because lot widths are likely to be consistent. Findings and examples in relation to each of the lot sizes examined are detailed below.

4,000sqm minimum lot size

On land with a lot size of 4000sqm, dwellings tended to have a side setback of around 10-12 metres. A side setback of 10m is required as a minimum under the Port Stephens Development Control Plan 2007. Dwellings were generally placed at around 12m depth into the lot (front setbacks). **Figures 1 and 2** provide examples of this. **Figure 3** demonstrates what a subdivision pattern of lots that are approximately 4,000sqm looks like from an aerial view.



Figure 1 - 1 Rabar Close, Seaham



Figure 2 - 3 Rabar close, Seaham



Figure 3 - Rabar Close, Seaham Aerial

8,000sqm minimum lot size

On lots that are approximately 8,000sqm, dwellings tended to have a side setbacks of around 20-30 metres. Dwellings were placed around 25-50m into the lot (front set back). **Figures 4 and 5** provide examples of this. **Figure 6** demonstrates what a subdivision pattern of lots that are approximately 8,000sqm looks like from an aerial view. The findings show that once lot size reaches 8000sqm, lot configurations and building envelopes will be designed to capitalise on the narrowest lot frontage that fits within the planning controls to reduce infrastructure costs such as roads and services. A larger lot size consequently only results an increased depth of lots, but the lots will still be similar widths to smaller lot sizes. This is evidenced in **Table 1**.



Figure 4 - 19 Brandy Hill Drive, Brandy Hill



Figure 5 - 27 Brandy Hill Drive, Brandy Hill



Figure 6 - Leumeah Close, Brandy Hill

20,000sqm minimum lot size

On lots that are approximately 20,000sqm, the width of the lots are only marginally larger than that of lots at 8,000sqm. These 20,000sqm lots did however have an increased depth. This is evidenced in **Table 1**. Side setbacks were generally around 20-35m, which is a similar lot width to that of the 8,000sqm lots. Dwellings were generally located around 30-50m into the lot (front setback). **Figures 7 and 8** provide examples of in the locality, and **Figure 9** shows a typical subdivision pattern of lots that are approximately 20,000sqm from an aerial view.



Figure 7 - Neika Close, Brandy Hill



Figure 8 –Brandy Hill Drive, Brandy Hill



Figure 9 - Brandy Hill Drive, Brandy Hill

On land with a lot size of 20,000sqm, the character analysis identifies that existing lots in this locality are not configured with increased widths or side setbacks compared to smaller lots. This may be because a suitable level of privacy and private open space is already provided at these lot widths or it may be that these lot configurations at these widths is the most effective means of providing roads and services without influencing land prices (and with no additional loss of resident amenity).

The cost of providing infrastructure has a material impact on subdivision design and thus the character of an area. **Figure 10** illustrates the amount of road that is required to service lots of the same size. It shows that by designing lots that are less wide, the amount of road infrastructure required is far less. The cost of providing road infrastructure may be a key influential factor in the standard lot configurations and widths in the locality that has resulted in lots of 20,000sqm being generally the same width as lots around 8,000sqm.

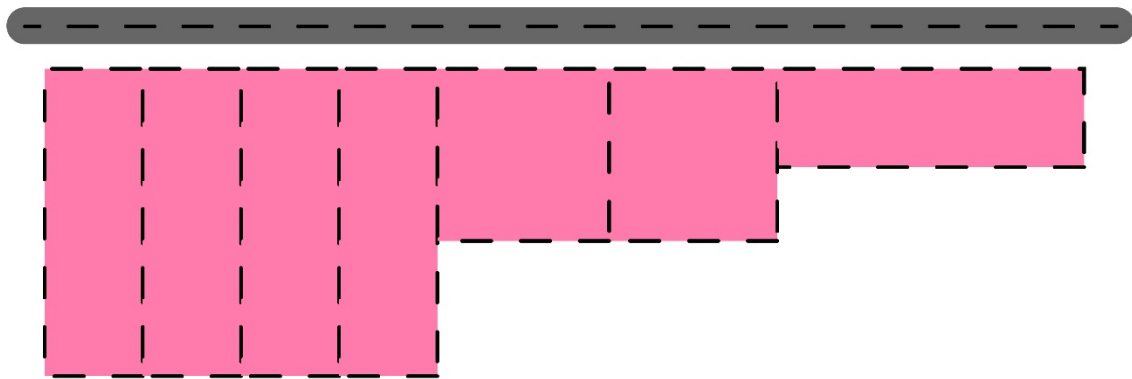


Figure 10 Lot widths and road infrastructure requirements

Port Stephens Development Control Plan 2014

Whilst 'rural character' is a result of numerous characteristics referred to above such as lot width, one of the key findings of the analysis was the role of the controls in the Port Stephens Development Control Plan 2014 (DCP). To ensure development does not detract from the amenity of the area, the DCP contains setback requirements and other controls. The setbacks for land zoned R5 are the same as the setbacks for land zoned RU1, which is that dwellings need to be located a minimum of 10m from lot boundaries.

As a result of the DCP controls, the economics of lot configuration and in many locations when similarly sized lots are viewed from the street (and particularly where there are dwellings on concessional lots zoned for primary production), it is not immediately evident whether the land is zoned R5 or RU1 or RU2 or whether the minimum lot size is 8,000sqm or 20,000sqm. This is demonstrated in **Figure 11** below.

Even if a dwelling is approved via a complying development certificate (CDC) under State Environmental Planning Policy (Exempt and Complying Codes) 2008, and the DCP does not apply, there are requirements that apply in relation to setbacks, landscaping, building height and maximum gross floor area to retain a rural character in the RU1, RU2 and R5 zones.

Conclusion

The character analysis shows that 'rural character' is influenced by several factors including lot configuration, infrastructure cost, and desired residential amenity. Around Nelsons Plains and other rural areas in Port Stephens, this results in a typical subdivision pattern in rural areas consistent with **Figure 11** below.

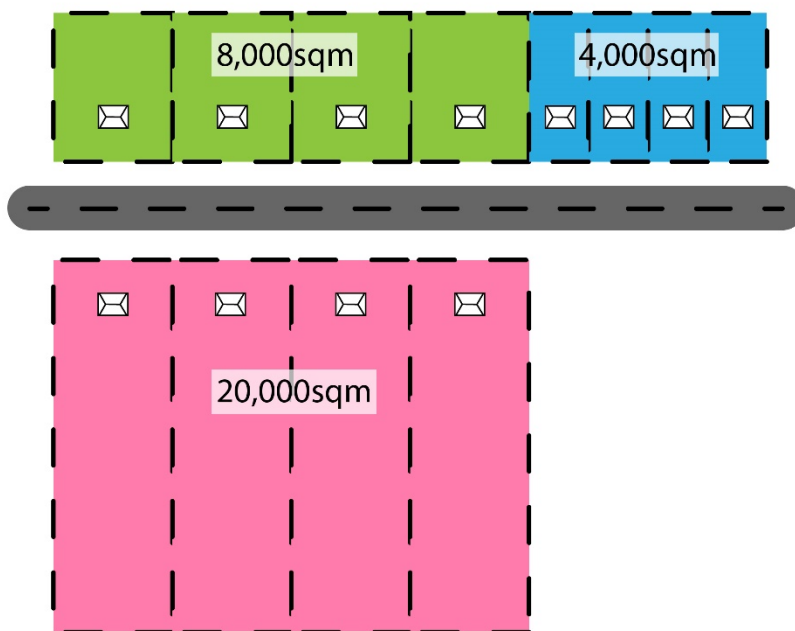


Figure 11 Indicative lot layouts showing standard dwelling envelopes

Figure 11 shows how despite lots of 20,000sqm being bigger in size, due to the cost of infrastructure provision, they are generally no wider, and dwellings are positioned on each lot at the approximately the same depth. The controls in the DCP reinforce this outcome with standard setback requirements whether or not a new dwelling is located in a primary production zone or a large lot residential zone.

This means that, when viewed from the street, lots are not likely to be inconsistent with the 'rural character' of an area just because the minimum lot size is less than 20,000sqm. The visual examples of existing dwellings on lots at 8,000sqm and 20,000sqm in the Nelson Plains area and surrounds also demonstrates this conclusion.

Bibliography

- Copps, D.H., 1995. Views From the Road: A Community Guide for Assessing Rural Historic Landscapes. Island Press, Washington, D.C.
- NSW Department of Planning Infrastructure and Environment, 2018, [Planning Circular 18-001: Stepping up planning and designing for better places: respecting and enhancing local character](#)
- NSW Department of Planning Infrastructure and Environment, 2019, Local Character and Place Guideline.
- NSW Government Architect, 2017, Better Placed - an integrated design policy for the built environment in NSW.
- Tilt, J.H., Kearney, A.R. and Bradley, G., 2007. Understanding rural character: cognitive and visual perceptions. Landsc. Urban Plann. 81, 14-26.



116 Adelaide Street | PO Box 42
Raymond Terrace NSW 2324
council@portstephens.nsw.gov.au
02 4988 0255

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Attachment 5 – 792 Seaham Road, Seaham Proposed Subdivision Plan

610 Seaham Rd

Figure 1 - 792 Seaham Rd

- Site Boundary
- Watercourses
- Waterbodies
- Cadastre
- Roads
- Brandy Hill - 1/100
- Brandy Hill - PMF

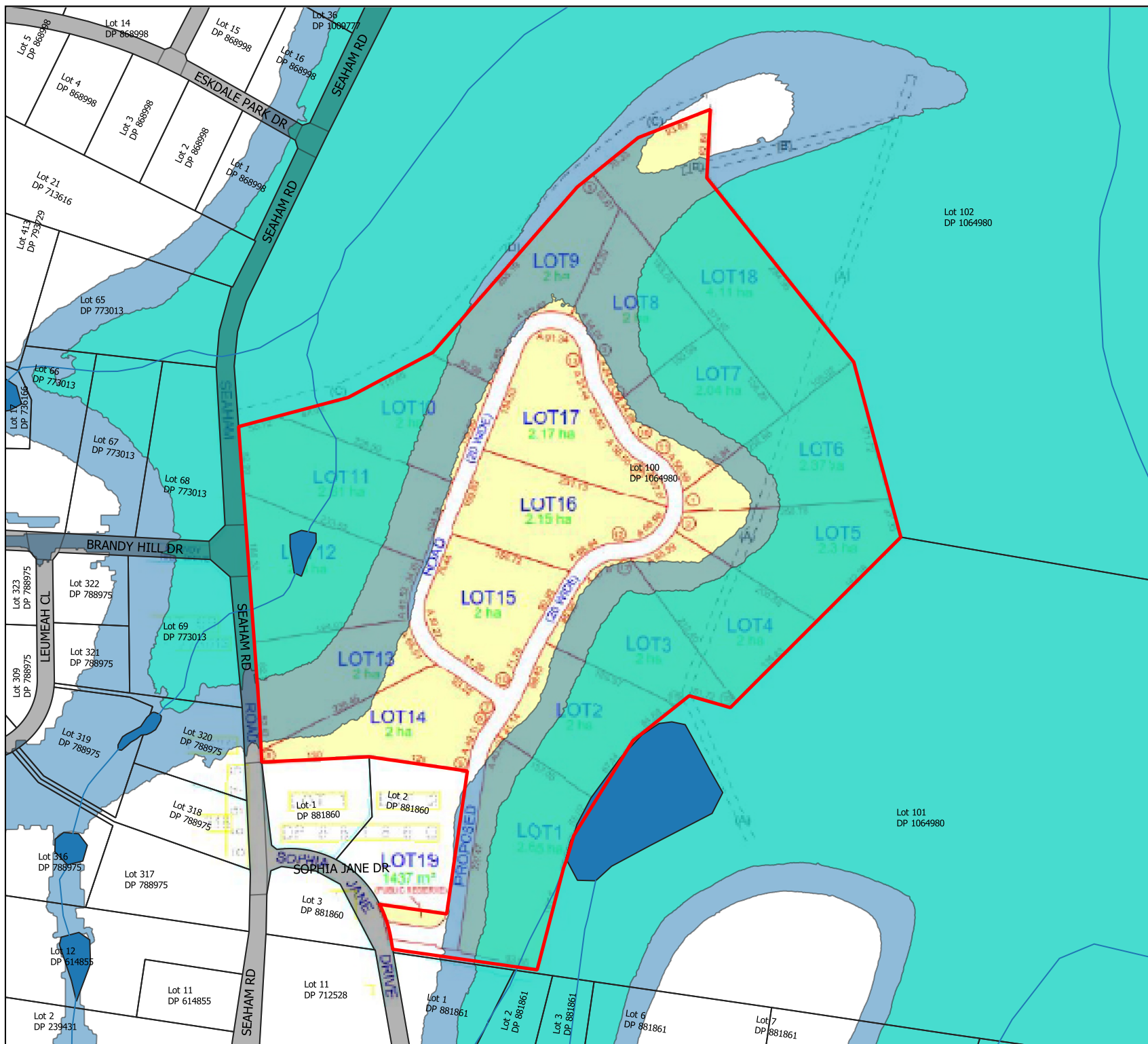


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Job No: J000000

Date: 04/05/2021



Attachment 6- Correspondence to DPIE and the Hunter Joint Organisation of Councils



PORT STEPHENS
COUNCIL

Mr. Steve Wilson
Director, Policy and Programs
Hunter Joint Organisation
PO Box 3137
Thornton NSW 2322
Email: steve@huntercouncils.com.au

Dear Steve,

Re: Collaborative 'Hunter approach' to rezonings.

Port Stephens Council, following discussions with other Hunter council strategic planning teams, are seeking assistance from the Hunter Joint Organisation to develop a collaborative 'Hunter approach' to land rezonings, with Hunter Councils and the NSW Department of Planning, Industry & Environment (DPIE).

We would like to investigate a common approach to rezonings in the Hunter region to achieve the following objectives:

1. Streamline, simplify and standardise processes for Hunter councils and proponents.
2. Target key barriers to deliver in the planning proposal process.
3. Ensure Hunter councils and DPIE (and the community) see a return on the investment in regional and local strategic planning and the adoption of local strategic planning statements.

1. Streamline, simplify and standardise processes

There may be opportunities to investigate process improvements for rezonings that can offer time savings and also consistency for proponents operating between local government areas. This may align with the objectives of the Hunter 2050 Foundation to accelerate investment and redevelopment in the Hunter if the approach is tailored to attract and support business investment in the Hunter.

We are keen to explore opportunities with State agencies to standardise certain pre and post Gateway requirements, referrals and responses to specific issues. There could also be standardised lodgement forms and requirements, notifications and templates.

PORT STEPHENS COUNCIL

116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

Phone: 02 4980 0255
Email: council@portstephens.nsw.gov.au

www.portstephens.nsw.gov.au
ABN 16 744 377 876

To address timeframes, one option could be to prepare a Memorandum of Agreement between Hunter councils and State agencies to commit to the following timeframes:

- Advice on rezonings within 21 days
- Gateway determinations within 3 months
- Decisions on site compatibility certificates within 3 months
- Gazettal of changes to Local Environmental Plans within 2 months.

A standardised approach could make the process more efficient and will give proponents and business more certainty about timeframes and the likely information requirements during assessment.

2. Target key barriers to delivery

Hunter Councils have identified some key barriers to an efficient process for rezonings that could be workshopped with State agencies. In Port Stephens, some of the opportunities identified to overcome key barriers include:

- Take a risk-based approach to assessments where planning proposals are consistent with strategic plans and tailor conditions and requirements to only address key assessment issues.
- Consult with councils before issuing Gateway determinations with conditions or issuing advice.
- Initiate State-led intervention to resolve outstanding agency issues.
- Identify cadastre or other State nominated mapping updates during the exhibition of a planning proposal and prior to preparation for gazettal.
- Initiate State-led housekeeping amendments to local environmental plan maps where those map amendments are not related to the content of local council planning proposals.
- Offer more flexibility for councils to consider development proposals near zone boundaries in coastal areas where they are consistent with strategic plans.
- Establish a shared online platform for State agencies, councils and Parliamentary Counsel to facilitate better communication and accountability.

3. Return on investment in strategic planning

Councils (and the State government) have recently invested significant resources in the preparation of strategic plans in the Hunter, including local strategic planning statements and housing strategies. This investment has included significant community consultation, time and funds expended on delivering the strategic plans required by the Environmental Planning and Assessment Act 1979 and Greater Newcastle Metropolitan Plan. Given the significant investment in strategic planning, councils are now keen to see savings at other stages of the planning process and measurable benefits to undertaking this work.

The former Chief Planner of the NSW Department of Planning & Environment, Gary White in a previous role prepared a presentation setting out the potential benefits of strategic planning, including through the more efficient management of risk during assessments (Features of a competent planning system, Gary White, Government Planner Department of State Development, Infrastructure and Planning, April 2012)(**Attachment 1**).

Under the current planning system, there are currently minimal, if any, changes to the subsequent planning processes that follow the adoption of a strategic plan, including rezonings. Under the current planning system, low risk rezonings and development applications that are consistent with strategic plans remain subject to the same processes and time frames as high risk assessments that are inconsistent with adopted strategies.

There is also an opportunity to investigate leveraging strategic planning to accelerate assessments to assist the recovery response to COVID-19. The State government has recently adopted an acceleration program to respond to the economic impacts of COVID-19, however the essential criteria for selection does not refer to consistency with strategic plans.

There is currently an opportunity for Hunter councils to adopt local accelerated assessment programs linked to the NSW Public Spaces Legacy Program and an opportunity to identify projects suitable for fast tracked assessment, which could include projects that can demonstrate consistency with strategic plans.

However, to accelerate rezonings, whether as part of the NSW Public Spaces Legacy Program or to otherwise capitalise on the significant investment in local strategic planning in the Hunter, councils will require the cooperation and collaboration of the State agencies that influence time frames and assessment processes and requirements.

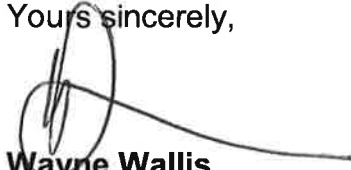
We are seeking your assistance in hosting collaborative workshops with Hunter councils, DPIE, and other relevant State agencies to explore an innovative and common approach to rezonings in the Hunter that achieves the above objectives.

Port Stephens Council would be happy to host any part of the program that requires a physical venue, acknowledging that COVID-19 restrictions may limit the program to a combination of online meetings and small scale in-person workshops.

We understand that DPIE is currently undertaking a review of the rezoning process, including to improve opportunities for better collaboration and better public information. A Hunter program of reform could be run in parallel with the State review, targeting the key issues identified above.

Should you wish to discuss any of the above in further detail, please contact Liz Lamb, Strategic Planning Coordinator on telephone 4988 0293 or by email Elizabeth.lamb@portstephens.nsw.gov.au.

Yours sincerely,



Wayne Wallis
GENERAL MANAGER

29 September 2020

Telephone enquiries
(02) 4980 0246

Cc:

Daniel Simpkins, Director, Hunter & Central Coast, NSW Department of Planning, Industry
By email: Daniel.Simpkins@planning.nsw.gov.au

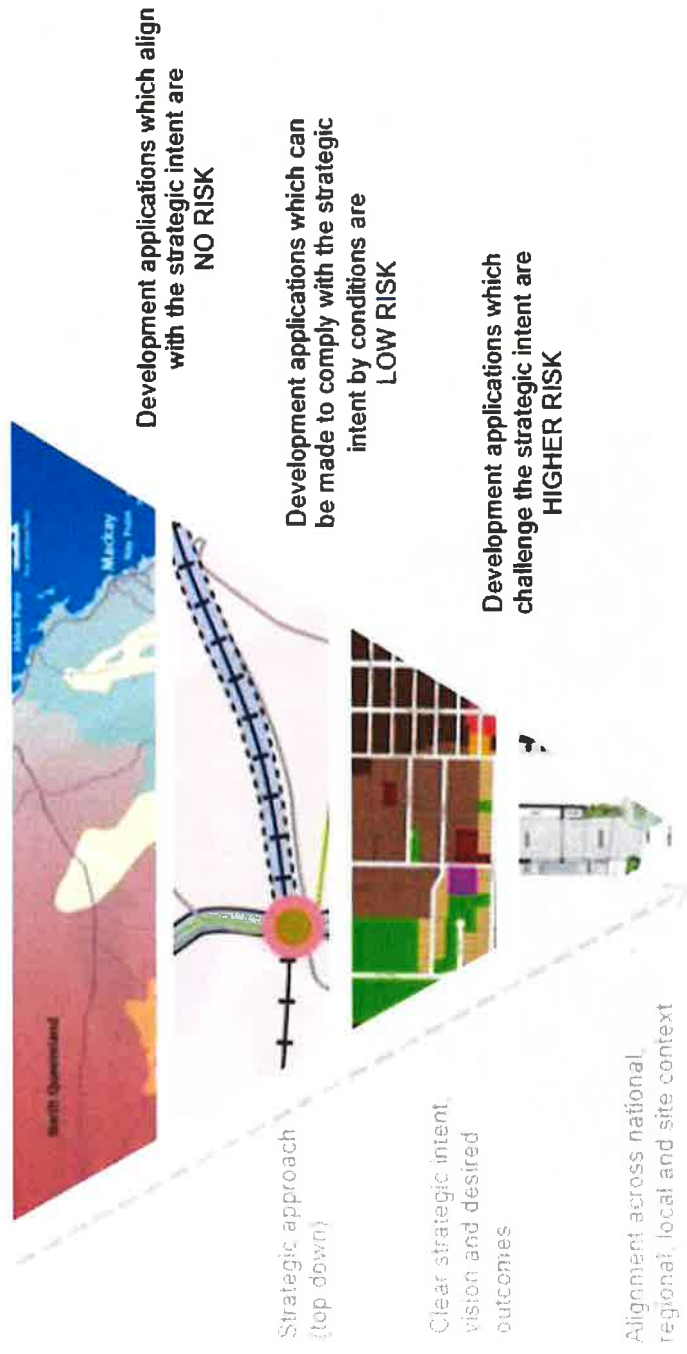
Amanda Harvey, Executive Director, Local Strategies and Plan Making
By email: Amanda.Harvey@planinng.nsw.gov.au

Mark McClean, Deputy Director, Regional Development, Hunter & Central Coast
By email: mark.mcclean@dpc.nsw.gov.au

Correct calibration of assessment levels to strategic outcomes

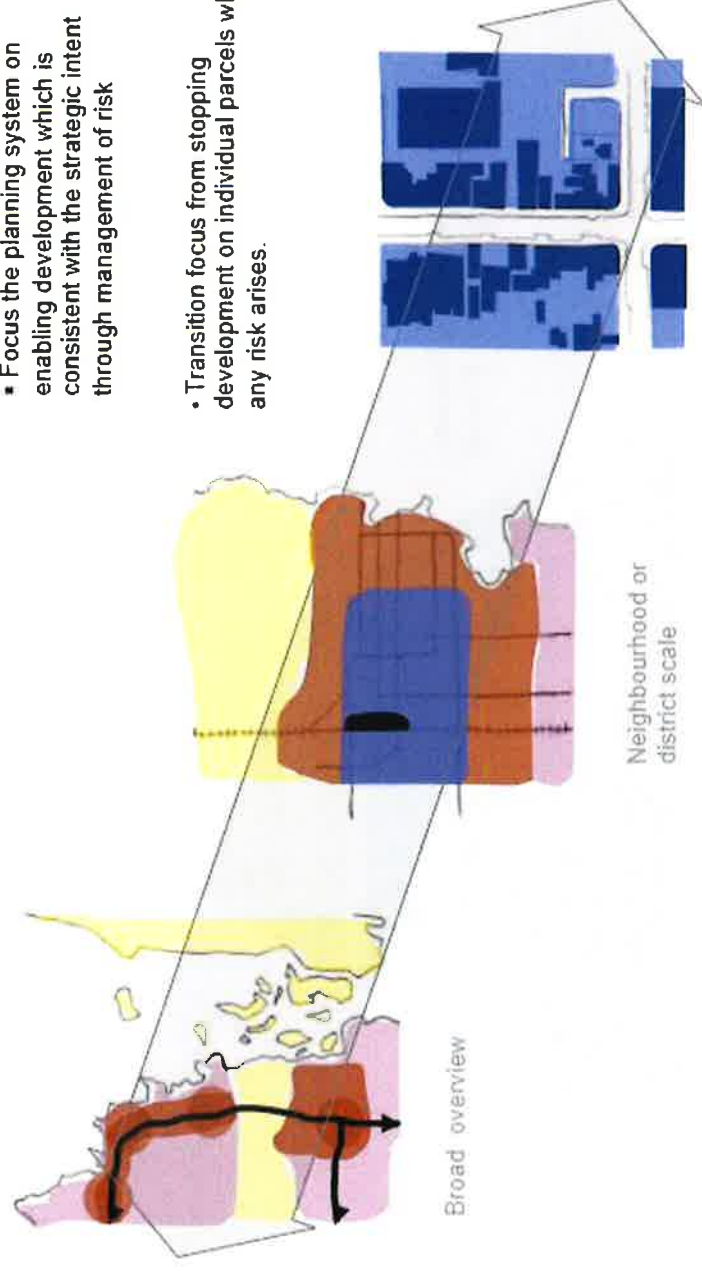


Correct calibration can enable a "Risk management" approach to development assessment rather "Risk avoidance"



Risk management approach to development assessment

- Focus the planning system on enabling development which is consistent with the strategic intent through management of risk
- Transition focus from stopping development on individual parcels when any risk arises.



4. Top and tail focus on consultation and engagement

